



January 26, 2007

## HOUSE BILL No. 1301

DIGEST OF HB 1301 (Updated January 24, 2007 11:10 am - DI 109)

**Citations Affected:** IC 20-12.

**Synopsis:** Ivy Tech Community College of Indiana. Replaces references to "regional institute" with references to "region". Eliminates the authority of Ivy Tech's state board of trustees to change the name of the college with the approval of the governor. Makes a technical correction. Incorporates Ivy Tech's current practice of having the treasurer of Ivy Tech provide a financial report at each regular meeting of the state board of trustees. Permits the state board of trustees to provide for periodic audits of the financial records of the administrative regions. Allows regional boards to have more than seven members. Requires a regional board to submit the names of one or more candidates (instead of three) whenever there is a vacancy to be filled. Reinforces Ivy Tech's workforce development mission.

**Effective:** July 1, 2007.

**Porter**

January 16, 2007, read first time and referred to Committee on Education.  
January 26, 2007, reported — Do Pass.

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HB 1301—LS 7449/DI 109+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1301

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-12-61-1.6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.6. As used in this  
3 chapter, ~~"regional institute"~~ **"region"** means ~~a regional institute~~ **an**  
4 **administrative region** established under section 10 of this chapter.  
5 SECTION 2. IC 20-12-61-3, AS AMENDED BY P.L.127-2005,  
6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2007]: Sec. 3. Said educational institution shall be called "Ivy  
8 Tech Community College of Indiana". ~~but authority is hereby given to~~  
9 ~~its governing board of trustees, as hereinafter described, to change the~~  
10 ~~name of the institution, with the approval of the governor of the state~~  
11 ~~of Indiana.~~  
12 SECTION 3. IC 20-12-61-5, AS AMENDED BY P.L.127-2005,  
13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2007]: Sec. 5. (a) The state board is a body corporate and  
15 politic and shall be known by the name of "The Trustees of Ivy Tech  
16 Community College of Indiana". ~~except when the name is altered, as~~  
17 ~~provided in this chapter.~~ In the corporate name and capacity the state

HB 1301—LS 7449/DI 109+



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board may sue and be sued, plead and be impleaded, in any court of record, and by that name shall have perpetual succession.

(b) The state board has responsibility for the management and policies of Ivy Tech and its ~~regional institutes~~ **administrative regions** within the framework of laws enacted by the general assembly. The state board shall select and employ a president of the institution, with qualifications set out, and other staff and professional employees as are required.

SECTION 4. IC 20-12-61-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The members of the state board shall elect from their own number a chairman and a vice chairman. The state board may select from their number a secretary and a treasurer of Ivy Tech but are not prohibited from appointing employees to serve as secretary and treasurer, and are authorized to appoint employees as assistant secretary and assistant treasurer.

(b) The state board shall meet regularly **at** least four (4) times a year, and at other times upon call by its chairman.

(c) A member of the state board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(d) A member of the state board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 20-12-61-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. The duties of the treasurer of Ivy Tech include the following:

(1) Keep true accounts of all money received into the treasury of Ivy Tech and of the expenditure thereof.

(2) Pay out the same on order of the state board.

(3) Collect the tuition and fees due to Ivy Tech as well as gifts, grants, bequests, and devises.

(4) ~~Submit a full~~ **Prepare an annual financial** statement of the ~~finances of~~ **for** Ivy Tech and ~~his receipts and payments~~; at each ~~annual regular~~ meeting of the state board **report on the financial condition of the college.**

(5) Invest and reinvest such funds as shall come into ~~his~~ **the treasurer's** possession ~~to for~~ the benefit of Ivy Tech.

SECTION 6. IC 20-12-61-7.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.6. The treasurer of

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Ivy Tech shall give a bond in a penalty and with surety to be approved by the state board, payable to the state, conditioned upon the faithful discharge of ~~his the treasurer's~~ duties.

SECTION 7. IC 20-12-61-9, AS AMENDED BY P.L.127-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The state board has the following powers and duties:

(1) Initiating, promoting, inaugurating, and developing occupational and technical education programs **and appropriate workforce development, assessment, and training services** in a manner consistent with sections 1 through 2 of this chapter.

(2) Operating, either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, which in its opinion should be established due to the specialized nature of the programs, the limited number of students involved, or other unique features requiring special attention.

(3) Contracting with appropriate education institutions, including local public schools or other agencies, to carry out specific programs which can best and most economically be provided through this approach.

(4) Dividing the state into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and developing an overall state plan which provides for the orderly development of ~~regional technical institutes~~ **the regions** encompassing, ultimately, all parts of the state into a coordinated system providing a comprehensive program of post-high school general, liberal arts, occupational, and technical education.

(5) Whenever a ~~regional institute~~ **region** is established, issuing a ~~certificate of incorporation and a~~ charter in a form that the state board provides to the ~~regional institute~~ **region**, assisting and supervising the development of a regional plan, and coordinating regional programs to avoid unnecessary and wasteful duplication.

(6) Making biennial studies of the budget requirements of the ~~regional institutes~~ **regions** and of its own programs and preparing a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech.

(7) Performing or contracting for the performance of ~~an audit~~ **periodic audits** of the financial records of each ~~regional institute~~ **region** on at least a biennial basis.

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SECTION 8. IC 20-12-61-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Whenever the state board establishes an ~~institute within a~~ **administrative** region, it shall appoint a regional board of trustees.

SECTION 9. IC 20-12-61-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The regional board of trustees of a ~~regional institute~~ **region** shall consist of **at least** seven (7) members, including at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor, and educational groups of the region, all to be appointed by the state board. All members of the regional board must be residents of the region. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

(b) A vacancy on the regional board shall be filled by appointment by the state board. The regional board shall nominate ~~three (3)~~ **and submit to the state board the names of one (1) or more** candidates to fill the vacancy within forty (40) days after the vacancy occurs. The state board may appoint one (1) of the persons nominated by the regional board or may reject all of the regional board's nominees. If the state board rejects all of the nominees from a regional board, the state board shall notify the regional board, and the regional board shall make ~~three (3)~~ **one (1) or more** additional nominations within forty (40) days after receipt of the notice. The state board shall then fill the vacancy from either the original group of nominations or from the additional nominations.

(c) The members of the regional board shall annually elect a chairman, a vice chairman, and a secretary. Meetings of the regional board shall be called in such a manner and at such times, and shall operate under such rules, as the regional board may prescribe, but the regional board shall meet at least four (4) times annually. A majority of the regional board constitutes a quorum. **The affirmative votes of a majority of the regional board are required for the board to take action on any matter.** Members of the regional board shall serve without pay but shall receive reimbursement for necessary expenses incurred in the conduct of business of the regional board.

SECTION 10. IC 20-12-61-12, AS AMENDED BY P.L.127-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A regional board shall do the following:

- (1) Make a careful analysis of the educational needs and opportunities of the region.
- (2) Develop and recommend to the state board a plan for

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providing postsecondary general, liberal arts, occupational, and technical education **programs and appropriate workforce development, assessment, and training services** for the people of that region.

(3) Develop and recommend a budget for regional programs and operations.

(4) Identify and recommend alternative methods of acquiring or securing facilities and equipment necessary for the delivery of effective regional programs.

(5) Facilitate and develop regional cooperation with employers, community leaders, economic development efforts, area vocational centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training in an efficient and cost effective manner and to avoid duplication of services.

(6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the region are being met.

(7) Make recommendations to the state board concerning policies that appear to substantially affect the regional board's capacity to deliver effective and efficient programming.

(b) A regional board may do the following:

(1) Adopt, amend, or repeal bylaws for the ~~regional institute~~ **region**, subject to the approval of the state board.

(2) Make recommendations to the state board concerning amendments to the charter of the ~~regional institute~~ **region**.

SECTION 11. IC 20-12-61-13, AS AMENDED BY P.L.127-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) In addition to the duties described in section 9 of this chapter, the state board may do the following:

(1) Hold, encumber, control, acquire by donation or purchase, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of its program of operation, on whatever terms and for whatever consideration may be appropriate.

(2) Accept gifts, grants, bequests, and devises absolutely and in trust for support of the college or its programs.

(3) Develop and adopt the appropriate **education** programs to be offered **and workforce services to be provided**.

(4) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee

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benefits, and personnel policies.

(5) Employ the chief administrator of ~~a regional institute~~ **each region.**

(6) Authorize the chief administrator of a ~~regional institute~~ **region** to employ the necessary personnel for the ~~regional institute~~ **region**, determine their qualifications, and fix their compensation in accordance with statewide policies established under subdivision (4).

(7) Grant appropriate certificates of achievement and associate degrees, including associate of applied science, associate of science, and associate of arts degrees, to students who complete prescribed and authorized courses or series of courses.

(8) Prescribe rules for the effective operation of a statewide program and exercise other powers that are necessary for the efficient management of the program.

(9) Establish a schedule of fees or charges for students and provide scholarships and remission of fees in proper cases.

(10) Authorize, approve, enter into, ratify, or confirm any agreement relating to a statewide program or a ~~regional institute~~ **region** with the United States government, acting through any agency of the government designated or created to aid in the financing of such projects, or with any person, organization, or agency offering contracts or grants-in-aid financing the educational facilities or the operation of the facilities and programs.

(11) Establish written policies for the investment of the funds of Ivy Tech in the manner provided by IC 30-4-3-3.

(b) Before taking any action under subsection (a)(1), (a)(3), (a)(5), or (a)(8) that would substantially affect a ~~regional institute~~ **region**, the state board shall request recommendations concerning the proposed action from the regional board for that region.

(c) Upon request of a regional board that has submitted recommendations under subsection (b) or section 12(a)(7) of this chapter, the state board shall conduct public hearings concerning the recommendations at a regular or special meeting of the state board.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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